



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.07

Required Report - public distribution

Date: 3/10/2004

GAIN Report Number: AJ4002

Azerbaijan, Republic of

Food and Agricultural Import Regulations and Standards

FAIRS Update

2004

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Report Highlights:

Azerbaijan has recently banned all imports of beef and poultry products from the United States due to the isolated incident of BSE and the discovery of AI in several states. There are no other major changes to import regulations in Azerbaijan. The restructuring of certain ministries, however, may lead to changes in the future. There are minor updates to Sections I, V, VI, VII and VIII.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Ankara [TU1]
[AJ]

FAIR SECTION I. FOOD LAWS – (GENERAL)

Although Azerbaijan has joined the Food and Agriculture Organization (FAO), it has not adopted Codex Alimentarius. Azerbaijan is not currently a member of World Health Organization (WHO). Azerbaijan is expected to join World Trade Organization and will adopt Codex Alimentarius within a six-month period after accession to WTO. Azeri food regulation and standards are regulated by slightly updated standards of GOST (Government Standards of former Soviet Union). Nevertheless, standards are being occasionally updated according to ISO.

Currently the State Veterinary Committee and State Plant Quarantine Inspection within the Ministry of Agriculture regulate food and agricultural product imports. These committees oversee the safety of imported food and agricultural products. The main law that regulates the food industry is the Azerbaijan Republic law on Food products (dated 18 November 1999, Number 759-1G). In addition, there is a law regulating the production, import, and export of wheat (dated: 16 June 2000, Number 898-1G). The Food Law requires animal products to be inspected at the wholesale and retail level.

SECTION II. LABELING REQUIREMENTS

Azeri legislation imposes special rules on labeling of food and agricultural products. The labels must be in Azeri. English labels are also acceptable only if the information in Azeri is also provided. The goods may come in its original packing, but a sticker with the necessary information may be attached to the original packing before marketing. American exporters should be cautious to apply this strategy because the consumers may think that the product has been smuggled or is simply expired. Details like these should be discussed with the importer.

Exporter must have the following information on the label:

- Name and brand of the product
- Name and address of producing company
- Country of origin
- Expiration date/shelf life
- Nutrition and caloric values
- Net weight (grams or kilos)
- Usage instructions
- Name and type of packing material
- Storage instructions
- Licensing and certification information, etc.
- Special warnings, if applicable

If the product has a shelf life of less than three months, it must include the day, month, and year of expiration. If the shelf life is more than three months but less than eighteen, the month and year are required. The products with a shelf life of more than three years are not allowed for sale in Azerbaijan. Fruits must have the labels on their containers. Another regulation requires that labels for fruit "juices" specifies whether the product contains fruit juice (90-100% concentration), nectar (25-50% concentration), or fruit drinks (up to 10% concentration).

Statements like "diabetic", "ecologically clean/safe" and any other types of health claims are not applicable, unless there is a permission from executive power authorities of Azerbaijan (including Ministry of Health). If these rules are not obeyed, the importer or exporter will be penalized for unsound competition according to the laws of the Republic of Azerbaijan.

Food and agricultural products, which have been modified or processed with use of chemical and biologic substances, should have relevant information about it on the label.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Although Azerbaijan has not joined Codex Alimentarius an independent expert noted that packaging rules should comply with Codex Alimentarius and have appropriate certificates. There are no clear rules on packaging. In cases such as these, confirm the currently enforced requirements with the importer.

SECTION IV. FOOD ADDITIVE REGULATIONS

The government of Azerbaijan banned adding certain antibiotics to animal and poultry feeds. In addition, imports and production of certain genetically modified seeds and other products have been banned or limited by State Veterinary Committee, and State Plant and Quarantine Inspection.

SECTION V. PESTICIDES AND OTHER CONTAMINANTS

During Soviet times, Azerkimya (Azeri Chemicals) organization controlled imports and production of pesticides. Currently Azerkimya has also closed down and State Plant and Quarantine Inspection at the Ministry of Agriculture inspect the imported foods and agricultural products for pesticides. Republican Toxicology Control Laboratory at the State Plant and Quarantine Inspection inspects the contaminants.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

The Government of Azerbaijan (GOAJ) maintains strict standard for imports of poultry – e.g. it has set a minimum price at which importers are supposed to purchase poultry. This way the GOAJ hopes to reduce the imports of inferior poultry products. The government has imposed a temporary ban on poultry products from Norway, Netherlands, Germany and the United States. Azerbaijan has also banned all beef and beef product imports from the United States due to the discovery of BSE in Washington State.

SECTION VII. COPYRIGHT/TRADEMARK LAWS

Companies must apply to Standardization, Metrology, and Patents Government Agency, which is a member of World Intellectual Property Organization (WIPO). Its laws are regulated by the Paris Convention and are compliant with international standards. The laws that regulate trademarks are Law on Protection of Trademarks and Geographic Names (1999). Also the Law on Protection of Patents (1997) is in operation. To register the trademarks the applicant must submit 12 samples of logo for the product, a copy of the company's charter, company identification number and copy of state registration document. All of the products are classified into 45 classes (goods and services separately). The application process is charged according to the class the good or service belongs to. The application fee for up to 5 products is AZM 330,000 (~ USD 70). To register more products, additional fees must be paid. The procedure of registering takes 10 months because the authorities need to confirm if a similar trademark has been registered elsewhere in the world. After the procedure is complete, the applicant is given a security document (certificate). The certificate is effective for 10 years.

SECTION VIII. IMPORT PROCEDURES***Import Process***

In order to import any foods an importer must first submit a written application to the Ministry of Agriculture (MOA). Attached to the application letter must be the following documents:

1. A completed import permit form, obtainable from MOA.
2. Certificate of Origin (to avoid double taxation). In case of absence of CO the importer will have to pay retail VAT in addition to import VAT (retail VAT will not be reimbursed to the importer). The Certificate of Origin should be obtained from the country of origin.
3. Certificate of Quality (from the appropriate authority in the country of origin) must be provided by the exporter and will be confirmed upon entry.
4. Contract (either purchase or consignment) and Tax Identification Number.
5. The importer's company charter from the Ministry of Justice.
6. The importer's company charter from the State Statistics Committee.
7. Bank requisites.

Normally, all imports must also be registered within the Ministry of Economic Development where the importer has to provide his contract with the supplier, information about the transaction's financing, and a bill confirming the price on the invoice.

Customs Process

For customs clearance, the importer is required to submit the following information in addition to normal import documents such as bill of lading etc.:

1. Import license from the Ministry of Agriculture
2. Certificate of Origin
3. Certificate of Quality
4. Veterinary Certificate for animal products from the country of origin
5. Phytosanitary Certificate for plant products from the country of origin

Analysis reports from the exporter company, containing information on physical, chemical, microbiological and heavy metal content under the exporting company letterhead or relevant government authorities and a phyto-sanitary certificate are required. After the Customs Authorities receive the required documentation, they will examine the product for quality compliance. The cargo is transported to a warehouse where representatives of the Customs Control and Ministry of Agriculture Veterinary or Sanitary-hygiene service take samples of the products for laboratory analysis. The procedure is done at the importer's expense.

Azerbaijan has adopted International Veterinary Codex, which is regulated by International Epizootic Bureau (OIE), located in Paris. Two documents are required by State Veterinary Committee to import animal products: Veterinary Certificate (both local and from the country of origin) and Veterinary Affirmation (which indicates that the products have been produced in favorable and not dangerous environment as provided by OIE). Azerbaijan has a series of protocols (veterinary agreements) with foreign countries on compliance of products exported to Azerbaijan with Azeri requirements. Animal products do need a Certificate of Quality from the country of origin, which must be confirmed by State Veterinary Committee of Azerbaijan Republic. Certificate of Quality is a necessary component for exporting food and agricultural products and usually contains information on different product parameters like calories, proteins content, moisture etc.

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

There is no FAS office in Baku, the relevant office is located in Turkey.

Foreign Agricultural Service
Embassy of the United States - Turkey
110 Ataturk Bulvari
Ankara Turkey
Tel: (90-312) 468-6110 X2406
Fax: (90-312) 467-0056
INTERNET: agankara@fas.usda.gov

Embassy Commercial Office
Embassy of the United States - Azerbaijan
83 Azadlyg Avenue
Baku, Azerbaijan
TEL: (994 12) 98 03 35
FAX: (994 12) 98 61 17

Government of Azerbaijan Contacts:

Formal Head of Standardization, Metrology and Patents Government Agency
(Mrs. Xalida Masimova)
Phone: (994 12) 97 08 81

Ministry of Economic Development
Phone: (994 12) 929390, (994 12) 989267
Fax: (994 12) 385587

State Veterinary Committee (Service)
(Mr. Ramiz Samedov)
(Controls imports of all animal origin food products)
Phone: (994 12) 627613, (994 12) 626632
Fax: (994 12) 626706

State Plant and Quarantine Inspection
(Mr. Mehraj Aliyev)
(Controls imports of All non-animal food products)
Phone: (994 12) 96 50 18

For more information on high value food and other agricultural sector reports for Azerbaijan or other countries around the world, please refer to the FAS homepage, URL address:
<http://www.fas.usda.gov>

APPENDIX II.**A. Azerbaijan Labeling for Imported Food Additives**

1. Name and address of producer company
2. The components list of the food additive
3. Usage and Storage Instructions
4. A statement indicating that the additive can be used in foods
5. Serial number
6. The net quantity
7. Usage restriction percentage
8. Source of the additive
9. Date of production
10. The expiration date
11. The import permission date and number
12. Special warnings if applicable

B. Azeri Labeling for Imported Food Flavorings

1. The name and address of the manufacturer
2. Statement indicating that the flavoring can be used in food
3. The list of flavoring substances in decreasing order
4. Net quantity
5. The lot and serial number
6. The date of production and shelf life
7. The import permission date and number
8. The specific usage and storage conditions if needed.

If the food additive is sold directly to the consumer the product should also contain instructions for use.

C. Partial List of Substances for Which Food Colorings Are Not Allowed.

- Raw vegetable and livestock origin solid and liquid fats and oils
- Eggs and egg products
- Flour products and starch
- Bakery Products
- Sugar
- Tomato paste and canned tomatoes
- Tomato origin Sauces
- Fruit and vegetable juices and nectars
- Processed fruits, vegetable and mushrooms
- Chestnut paste
- Red and white meat including sea products and poultry
- Roasted coffee & tea
- Wines
- Wine vinegar
- All baby foods
- Honey
- Malt and malt products
- Non flavored cheese